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**TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING
REJECTION OVER A PENDING SECOND APPLICATION**

Docket Number (Optional)
K2020.0007/P007-A

In re Application of: Masaki Yanagisawa et al.

Application No.: 10/671,613-Conf. #8517

Filed: September 29, 2003

For: PARTICLE BEAM IRRADIATION SYSTEM AND METHOD OF ADJUSTING IRRADIATION
APPARATUS

The owner*, Hitachi, Ltd., of 100
percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of
any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined
in 35 U.S.C. 154 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on pending
second Application Numbers 10/455,497 & 10/760,422, filed on June 6, 2003 & January 21, 2004, of any patent on the
pending second applications. The owner hereby agrees that any patent so granted on the instant application shall be
enforceable only for and during such period that it and any patent granted on the second applications are commonly owned.
This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or
assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant
application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of any patent
granted on the second applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that
any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of
competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled
by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as
shortened by any terminal disclaimer filed prior to its grant.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.),
the undersigned is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on
information and belief are believed to be true; and further that these statements were made with the knowledge that willful
false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the
United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued
thereon.

2. ☒ The undersigned is an attorney or agent of record.


Signature

7-14-04
Date

Mark J. Thronson
Typed or printed name
(202) 775-4742
Telephone Number

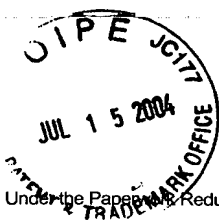
- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

*Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner).
Form PTO/SB/96 may be used for making this statement. See MPEP § 324.

07/16/2004 EABUBAK1 00000055 10671613

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FEE TRANSMITTAL for FY 2004		Complete if Known																																																																																																																																																																																													
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		Examiner Name	P. M. Gurzo																																																																																																																																																																																												
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